Appl. No.:   09/458,602
Filed: 12/08/99
Page 2

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the thorough review of the present application. Based upon the amendments and the following remarks, Applicants respectfully request reconsideration of the present application and allowance of the pending claims.

The Present Invention

The present invention comprises a method and system for selectively implementing and enforcing Authentication, Authorization and Accounting (AAA). The authentication capability can be based upon multiple methods. First, AAA can be done based upon where the traffic is originating, such as a location, computer, circuit, or user. Secondly, the authentication and authorization capability can be based upon the type of services the user is attempting to access, such as a destination address. This can be a destination port or Internet address, a TCP port, a network. Third, AAA can be based upon the content type or protocol being transmitted. For example, each packet can be filtered through the selective AAA process, so that a user can be authorized access to a particular location. Each time the user attempts to access a different location, the user is subject to the AAA, so the user may be prevented access from a particular site the AAA method deems inaccessible to the user based upon the user's authorization. Alternatively, the AAA method according to the present invention allows users to connect directly to a specific site, such as credit card or billing servers which collect billing information, which can indicate that the user has paid, so that the user is thereafter authorized access to networks. Additionally, a user's authorization can depend upon a specific time, so that the user can be kicked off a network at a specific time, after a specific time has elapsed, or according to other dynamic information determined by the network provider.

The methods and systems of the present invention involve the use of a gateway device. All of the intelligence for authentication, authorization and accounting reside within the gateway device. Thus, in the present invention, *as claimed*, authentication, authorization and/or accounting occurs without the user having to alter the home network settings and no additional

Appl. No.:   09/458,602
Filed: 12/08/99
Page 3

configuration software needs be installed on the user's computer to access the destination network. In this regard, the gateway device and its functionality are transparent to the user desiring destination network access.

Priority

Applicant disagrees with the Examiner's position that the provisional application does not comply with a condition for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e), specifically, the Applicant disagrees with the Examiner's position that the provisional application does not sufficiently disclose the invention to comply with the requirements of the first paragraph of 35 U.S.C. 112.

Applicant does admit that the provisional application does not expressly disclose authorization, authentication, and accounting, in that; the provisional application does not reference that exact terminology. However, although the preamble of independent Claim 1 of the present invention states a method for authorization, authentication and accounting, the actual steps and elements in the claim are limited to a method for authorizing a user for transparent access to a destination address. We believe that in determining sufficiency of disclosure in the provisional application the Examiner and the courts are obliged to look to the actual language in the claim steps and elements to determine if the sufficiency requirement is met. If the Examiner believes that the preamble in the independent claim should be amended to more clearly reflect the subject in the claim steps and elements, the Applicant will gladly consider making such an amendment.

We direct the Examiner to the following sections of the provisional application, which we believe sufficiently disclose the invention as claimed:

Appl. No.:   09/458,602
Filed: 12/08/99
Page 4

Figure 1 of the provisional application, a flow diagram of automatic user tracking and security technology, otherwise referred to as a method for authorizing a user to access the destination network.

Attachment A, entitled "Subscriber Configuration Issues in Residential Broadband Deployments", section beginning on page 9, "Nomadix Adaptive Configuration", section beginning on page 11, "Nomadix Universal Subscriber Gateway".

Attachment H, entitled "Nomadic Translator or Router", section beginning at page 38, entitled "Virtual Private Network"

We believe that these portions of the provisional application, in addition to other ancillary and supportive portions of the provisional application sufficiently disclose the invention as claimed. Specifically, the provisional application discloses the broadest concepts claimed in the method of Claim 1, a method that includes the steps of receiving at a gateway device a request from a user for access to the destination network, identifying an attribute associated with the user based upon a packet received by the gateway device, wherein the packet is transmitted from the user's computer, wherein the user's computer remains configured for accessing the home network, and wherein no additional configuration software need be installed on the user's computer to access the destination network, accessing a user profile corresponding to the user and stored in a user profile database, where the user profile is accessed based upon the attribute associated with the user and determining if the user is entitled to access the destination network based upon the user profile. Additionally, the provisional application discloses the broadest concepts claimed in the system of Claim 9, a system that includes a gateway device for receiving a request from a user for access to the destination network, means for identifying an attribute associated with the user based upon a packet received by the gateway device, wherein the packet is transmitted from the user's computer, wherein the user's computer is configured for accessing the home network, and wherein no additional configuration software need be installed on the user's computer, a user profile database comprising stored access information and in

Appl. No.:   09/458,602
Filed: 12/08/99
Page 5

communication with the gateway device, and wherein access information corresponding to the user is identified by the attribute associated with the user, and an Authentication, Authorization and Accounting (AAA) server in communication with the gateway device and user profile database, where the AAA server determines if user is entitled to access the destination network based upon the access information stored within the user profile database. As stated in the present application the AAA server may be embodied within the gateway device and the functionality for such a server is described in the provisional application.

For these reasons we ask that the Examiner kindly reconsider providing the benefit of the priority date of the provisional application.

Claim Rejections

35 U.S.C. § 102 (e) Rejections

Claims 1-2, 7, 9 and 11-14 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by United States Patent No. 6,253,327, issued to Zhang et al. (the '327 Zhang patent).

Specifically, according to the Office Action, the '978 Fowler patent teaches the following elements of independent Claim 1:

a method for authorizing, authenticating and accounting users having transparent access to a destination network (**Abstract**), wherein the users otherwise have access to a home network through home network settings resident on the user's computers, and wherein the users can access the destination network without altering the home network settings, comprising:
receiving at a gateway device a request from a user for access to the destination network (**Column 6, lines 24-32 and Column 7, lines 8-10**);
identifying an attribute associated with the user based upon a packet received by the gateway device, wherein the packet is transmitted from the user's computer, wherein the

Appl. No.:   09/458,602
Filed: 12/08/99
Page 6

user's computer remains configured for accessing the home network (**Column 5, lines 20-40**), and wherein no additional configuration software need be installed on the user's computer to access the destination network (**Column 7, line 66 – Column 8, line 7**);

        accessing a user profile corresponding to the user and stored in a user profile database, where the user profile is accessed based upon the attribute associated with the user (**Column 7, lines 12-17**); and

        determining if the user is entitled to access the destination network based upon the user profile (**Column 7, lines 12-17**).

        Applicants respectfully disagree with these grounds for rejection for the following reasons.

The '327 Zhang Patent Does Not Teach or Suggest a Method for Authorizing, Authenticating and Accounting Users in which No Additional Configuration Software Need be Installed on the User's Computer to Access the Destination Network

        The '327 Zhang patent specifically teaches the use of special client-side software in the form of Point to Point Protocol (PPP) software that is required to reside on each client interfacing with the gateway device and is used in the login process. The specification, at Column 6, lines 24-29, in describing Figure 5, reference number 120, specifically requires that a PPP dialer application be initiated on the host computer. Additionally, in the teachings of the '327 Zhang patent, once authentication has been performed, the PPP dialer application has to configure the IP stack within the host (client). This is specifically taught at Column 7, lines 58 -61, in describing Figure 5, reference number 260.

        Additionally, in the teachings of '327 Zhang patent Link Control Protocol (LCP) is used to control the link layer access. The LCP packets are sent in the payload field of the PPP frames. This is discussed in the '327 Zhang patent at Column 6, lines 42 – 52. The impetus for being able to control link layer access using LCP is provided by the additional configuration software on the host; i.e., the PPP dialup application.

Appl. No.:   09/458,602
Filed: 12/08/99
Page 7

The present invention, as required by independent Claims 1 and 9, stipulates that no additional configuration software need be installed on the user's computer. This is because all of the intelligence needed to determine if a client needs authentication resides within the gateway device. If authentication is determined at the gateway device, the gateway device redirects the user to a Web-based login page for entry of username/password, etc. Thus, the present invention uses the standard TCP/IP stack to access the destination network; i.e., no configuration of the IP stack is required to be performed by additional configuration software installed on the host computer.

In addition, link layer access control is not required to be performed at the host client because all link control is handled by the gateway device. Thus, the present invention has no need to implement LCP communications at the host and, more importantly, the additional configuration software needed to implement LCP communications at the host.

Based on the fact that the '327 Zhang patent does not teach a method or system for gateway authorization, authentication, and accounting that does not implement and execute additional configuration software at the host, the teachings of the '327 Zhang patent are clearly distinguishable form the present invention.

For this reason, applicant respectfully submits that independent Claims 1 and 9, which has been rejected under 35 U.S.C. § 102 (e) as being anticipated by the cited '327 Zhang patent, are patentable.

In addition, the dependent Claims that depend from Claims 1 and 9, specifically Claims 2-7 and Claims 10-15 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

Appl. No.:   09/458,602
Filed: 12/08/99
Page 8

As such, applicant respectfully submits that the independent Claim 1 and 9, which have been rejected under 35 U.S.C. § 102 (e), as well as the dependent claims that depend there from, are not unpatentable by legal standards and, are thus, patentable.

35 U.S.C. § 103 (a) Rejections

Claims 3-6, 8 and 15 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over United States Patent No. 6,253,327, issued to Zhang et al. (the '327 Zhang patent) in view of United States Patent No. 6,434,619, issued to Lim et al. (the '619 Lim patent)

The rejections under 35 U.S.C. § 103 (a) involve dependent claims. These dependent claims add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

Additionally, the Applicant respectfully points out that the '619 Lim patent is distinguishable from the present invention in the same regard as the '327 Zhang patent. This distinguishing feature was presented in the previous Office Action response dated January 29, 2004. The applicant herein re-presents this distinguishing argument to reinforce our belief that both cited 103 references are clearly distinguishable from the present invention.

The Lim '619 Patent Does Not Teach AAA Access Control Absent Reconfiguration, Alteration of the Home Network Settings And/Or Executing Additional Configuration Software at the User's Computer

The teachings of the '619 Lim patent are distinguishable, in that, they do not teach AAA access control being performed *absent* reconfiguration, alteration of the home network settings, and/or executing additional configuration software at the user's computer.

The '619 Lim patent teaches AAA access control occurring downstream at the CSM server. Thus, the '619 Lim patent would require reconfiguration of the user's computer to gain

Appl. No.:   09/458,602
Filed: 12/08/99
Page 9

access to the destination network. Moreover, the '619 Lim patent would require reconfiguration of the user's computer to even be able to reach the CSM server across the Internet.

In the present invention, by providing for AAA access control at the gateway device the present invention is able to provide transparent access regardless of configuration, i.e., no additional configuration software needs to be installed on the user's computer to access the destination network, no alteration of the home network settings is required and no additional configuration software or agents are required at the user's computer. These limitations are specifically stated in the independent method claim, Claim 1, and the independent system claim, Claim 9.

Thus for the reasons stated above, independent claims 1 and 9, and the dependent claims that add further limitations, are distinguishable from the teachings of the '619 Lim patent and, thus are patentable.

In addition, the dependent Claims that depend from Claims 1 and 9, specifically Claims 3-6, 8 and 15 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

As such, applicant respectfully submits that the dependent claim, which has been rejected under 35 U.S.C. § 103 (a) are not unpatentable by legal standards and, are thus, patentable.
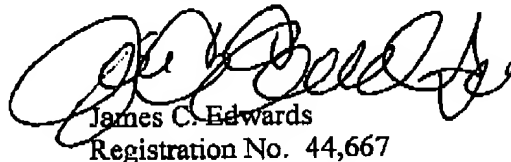
Appl. No.:   09/458,602
Filed: 12/08/99
Page 10 _____

Conclusion

In view of the proposed amended claims and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.
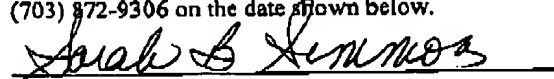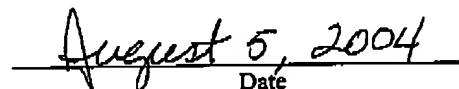
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

Sarah B. Simmons

August 5, 2004
Date

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